

Article - State Government

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§20–1035.

(a) In accordance with this section, an aggrieved person may commence a civil action in an appropriate State court to obtain appropriate relief for an alleged discriminatory housing practice or the breach of a conciliation agreement entered into under this part.

(b) (1) The action shall be filed within 2 years after the later of the occurrence or termination of the alleged discriminatory housing practice or the breach of the conciliation agreement.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, the computation of the 2–year period does not include any time during which an administrative proceeding under this part was pending for a complaint or charge based on the alleged discriminatory housing practice.

(ii) Subparagraph (i) of this paragraph does not apply to an action arising from a breach of a conciliation agreement.

(3) Except as provided in subsection (c) of this section, an aggrieved person may commence a civil action under this section:

(i) not sooner than 130 days after a complaint has been filed under § 20–1021 of this subtitle; and

(ii) regardless of the status of any complaint.

(c) (1) If the Commission or a State or local unit has obtained a conciliation agreement with the consent of an aggrieved person, the aggrieved person may not file an action under this section for the alleged discriminatory housing practice that forms the basis for the complaint, except for the purpose of enforcing the terms of the conciliation agreement.

(2) An aggrieved person may not commence a civil action under this section with respect to an alleged discriminatory housing practice that forms the basis of a charge issued by the Commission, if an administrative law judge has commenced a hearing on the record under this part with respect to the charge.

(d) On application by a person alleging a discriminatory housing practice or a person against whom a discriminatory housing practice is alleged, the court may:

(1) appoint an attorney for the person; or

(2) if, in the opinion of the court, the person is financially unable to bear the costs of the action, authorize the commencement or continuation of a civil action under subsection (a) of this section without the payment of fees, costs, or security.

(e) (1) In a civil action under this section, if the court finds that a discriminatory housing practice has occurred, the court may:

(i) award to the plaintiff actual and punitive damages; and

(ii) subject to subsection (f) of this section, grant as relief, as the court considers appropriate, any permanent or temporary injunction, temporary restraining order, or other order, including an order enjoining the defendant from engaging in the practice or ordering affirmative action.

(2) In a civil action under this section, the court may allow the prevailing party reasonable attorney's fees and costs.

(f) Relief granted under this section may not affect any contract, sale, encumbrance, or lease consummated before the granting of relief and involving a bona fide purchaser, encumbrancer, or tenant without actual notice of the filing of a complaint with the Commission or civil action under this part.

(g) If the Commission certifies that the case is of general public importance and on timely application, the Commission may:

(1) intervene in a civil action brought under this section; and

(2) obtain any relief that would be available to the Commission under § 20–1036(c) of this subtitle.

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